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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,552	11/09/2000	Takashi Sugiura	35.C14913	2320

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EXAMINER

CHANG, ERIC

ART UNIT PAPER NUMBER

2185

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/708,552

Applicant(s)

SUGIURA, TAKASHI

Examiner

Eric Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-4 are pending.

#### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the use of figure numbers.

Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: "memory 114" on line 13 of page 20 should read, "memory 113", in order to coincide with the numbering win the referenced figures.

Appropriate correction is required.

#### *Claim Objections*

5. Claim1 is objected to because of the following informalities: the term "important" in line 8 of the claim should read, "important". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,314,528 to Kim.

8. As to claim 1, Kim discloses an electronic apparatus comprising control means for determining whether important data is stored in the memory, when the shutdown of the main power supply is instructed, and for controlling the shutdown operation of the main power supply by the main switch according to a result of the determination [col. 2, lines 58-67, and col. 3, lines 1-15]. Kim teaches determining if there is important data stored in the memory, and that such important data exists in the memory after the computer is booted, and should be saved prior to shutdown safely [col. 6, lines 5-13]. Kim also teaches that the shutdown of the operation of the main power supply is delayed until after system may be shutdown safely, based on the determination, substantially as claimed. Furthermore, Kim teaches that the data in the memory may cause damage to the system if erased [col.4, lines 42-49].

9. As to claim 2, Kim discloses the apparatus inhibits the opening of the main power switch when it is determined that the important data is stored in memory [col. 5, lines 54-67, and col. 6,

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lines 1-4]. Kim teaches that if it is determined that important data is stored in memory, for example, after the computer is booted, the cutting off of the power supply is inhibited until after shutdown operations have been completed.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,314,528 to Kim, in view of U.S. Patent 6,255,744 to Shih, et al.

11. As to claim 3, Kim teaches all of the limitations of the claim, but does not teach that the user is warned when important data is being erased.

Shih teaches that an apparatus alerts a user when important data may be lost due to the imminent loss of power [col. 2, lines 35-45].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the user alerting means as taught by Shih. One of ordinary skill in the art would have been motivated to do so that the user is aware that important data may be lost when the system is being shutdown.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of safely shutting down power to a computer system. Moreover, the user alerting means taught by Shih would improve the utility of Kim because it allowed the user to be notified of imminent data loss, in addition to automatically saving the important data.

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12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,314,528 to Kim, in view of U.S. Patent 5,247,205 to Mototani, et al.

13. As to claim 4, Kim teaches all of the limitations of the claim, but does not teach a backup battery for supplying power to the memory when the power supply is shut down, and that the battery is disconnected from the memory by switch means.

Mototani teaches a backup battery for supplying power to a computer system when the power supply is shut down, and that the battery is disconnected from the system by switch means [col. 1, lines 40-60]. Mototani teaches that when the power supply is interrupted, the battery is used to power the system. When the power supply resumes, the battery is disconnected in order to conserve the battery. Furthermore, Morotani teaches that this apparatus is used to prevent loss of data from a memory when the main power supply is not available [col. 4, lines 38-49].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the back-up battery means as taught by Mototani. One of ordinary skill in the art would have been motivated to do so that the memory can be powered even when the main power supply is not available.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of providing power to a memory when a change in the power supply occurs. Moreover, the back-up battery means taught by Mototani would improve the flexibility of Kim because it further extends that life of the battery.

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*Conclusion*

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ec



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